

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIELLE LASHEA HENDERSON,

Defendant.

Case No. 14-cr-00307-BAS-1

**ORDER DENYING MOTION TO  
REDUCE SENTENCE PURSUANT  
TO FIRST STEP ACT (ECF No. 70)**

On November 23, 2020, in the midst of the coronavirus pandemic, this Court sentenced Ms. Henderson to six months in custody for violating her supervised release. (ECF No. 69.) Less than two months later, she moves to reduce her sentence pursuant to the First Step Act, arguing that her asthma and obesity make her risk greater if she were to contract COVID-19. (ECF No. 70 (“Defendant’s Motion”).) The Government opposes the Motion. (ECF No. 72 (“Government’s Response”).) Defendant replies. (ECF No. 73.) For the reasons stated below, the Court **DENIES** the Motion.

**ANALYSIS**

A district court generally “may not modify a term of imprisonment once it has been imposed.” 18 U.S.C. § 3582(c); *see also Dillon v. United States*, 560 U.S. 817, 825–26 (2010). A narrow exception, compassionate release, allows a court to reduce a sentence for “extraordinary and compelling reasons.” 18 U.S.C. § 3582(c)(1)(A)(i).

The only factors that have changed since Ms. Henderson was sentenced on November 23, 2020, are that: (1) Ms. Henderson tested positive for COVID-19 on December 9, 2020 (Defendant's Motion, Exhs. A, G); and (2) on December 30, 2020, and January 20, 2021, Ms. Henderson received both doses of the Pfizer vaccine protecting against future COVID-19 infection (Government's Response, Appendix A).

Ms. Henderson provides evidence that she suffers from asthma and is morbidly obese. Thus, she argues she is at enhanced risk of serious illness or death were she to get reinfected or relapse with the coronavirus. However, her chances of reinfection or relapse have been largely dissipated by her vaccination. *See* CDC, *Facts about COVID-19 Vaccines*, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html> (last updated Jan. 20, 2021) (providing COVID-19 vaccination will protect an individual from getting sick with COVID-19 in the future).

Therefore, the Court finds Ms. Henderson has failed to show “extraordinary and compelling reasons” for her release.

## CONCLUSION

Because Ms. Henderson has been vaccinated for COVID-19, the Court finds she fails to show extraordinary and compelling reasons for her request to be released. Therefore, her Motion to Reduce her sentence (ECF No. 70) is **DENIED**.

## **IT IS SO ORDERED.**

**DATED: January 27, 2021**

Cynthia Bashant  
**Hon. Cynthia Bashant**  
**United States District Judge**